

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal Action No. 1:18-cr-123 (RDA)
)	
RONALD HERRERA CONTRERAS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This matter comes before the Court on the Government's Motion for Hearing Regarding Witness's Availability ("Motion"). Dkt. 886. Defendant Elmer Zelaya Martinez ("Defendant") is set to be tried in a capital trial beginning April 4, 2022. Several other defendants indicted in this matter, none of whom are capital charged, will proceed to trial on September 13, 2021. In the Motion, the Government asks the Court to conduct a hearing on July 16, 2021 to establish whether Defendant is unavailable, pursuant to Rule 804(a)(1) of the Federal Rules of Evidence, to testify at the trial of his non-capital co-defendants scheduled to begin on September 13, 2021. Defendant opposed the motion on July 9, 2021 (Dkt. 898), to which the Government replied on July 12, 2021. Dkt. 916.

Having considered the Motion, Defendant's response in opposition, and the Government's reply, the Court finds that the Motion is not yet ripe for resolution. Accordingly, the Motion is DENIED. This Order is entered without prejudice to the Government's ability to renew its Motion before trial.

It is SO ORDERED.

Alexandria, Virginia
July 13, 2021


USDC, EDVA

/s/

Rossie D. Alston, Jr.
United States District Judge